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8 Attorneys for Plaintiff
9 CHURCH OF SCIENTOLOGY
INTERNATIONAL

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SEP 19 1995

HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
INTERNATIONAL, a California not-)
14 for-profit religious corporation,)
15) [CONSOLIDATED]
16) DECLARATION OF ANDREW H.
17) WILSON IN SUPPORT OF CHURCH
OF SCIENTOLOGY)
18) INTERNATIONAL'S EX PARTE
Plaintiff,) APPLICATION FOR AN ORDER
19) STRIKING ARMSTRONG'S
vs.) EVIDENCE IN SUPPORT OF
20) OPPOSITION TO PLAINTIFF'S
PENDING MOTIONS FOR SUMMARY)
21) ADJUDICATION, OR, IN THE
ALTERNATIVE, FOR AN ORDER)
22) SEALING THE FOLLOWING
EXHIBITS: VOL. VI, EX.)
23) 1(J)(A), EX. 1(J)(M); VOL.
GERALD ARMSTRONG; DOES 1 through)
24) 25, inclusive,) VII, EX. 1(J)(M); VOL. IX,
25) EX. 2(A), 2(C), 3(B), 5(B),
AND 7(A); REQUEST FOR)
26) SANCTIONS [C.C.P. §
437C(i)])
27) DATE: September 19, 1995
Defendants.) TIME: 9:30 a.m.
28) DEPT: 1
TRIAL DATE: Not set

1 ANDREW H. WILSON deposes and says:

2 1. My name is Andrew H. Wilson and I am one of the
3 attorneys responsible for the representation of the Church of
4 Scientology International in this action. I have personal
5 knowledge of the facts set forth in this Declaration and could
6 competently testify thereto if called as a witness.

7 2. On September 15, 1995, Ford Greene brought a second ex
8 parte application for leave to file supplemental opposition to
9 plaintiff's pending summary adjudication motions. He indicated
10 that he intended to file a memorandum of points and authorities.
11 I asked him if he intended to file any confidential materials
12 belonging to my clients. Armstrong had attempted to do so in
13 this Court before, and had also attempted to do so in the
14 bankruptcy court. Both this Court and the bankruptcy Court had
15 ordered Armstrong's offerings stricken, but only after the Church
16 had the expense of bringing a motion. Greene assured me that his
17 filing would not include any confidential materials.

18 3. On September 19, this Court ordered Mr. Greene to serve
19 and file his additional opposing papers no later than 10:00 a.m.
20 on September 18, 1995.

21 4. On September 18, I received a large box from Armstrong
22 containing 10 volumes of evidence in addition to the promised
23 memorandum of points and authorities. I quickly ascertained that
24 the "evidence" included some documents which my client has
25 informed me are confidential scripture, protected as trade
26 secrets.

27 5. At approximately 11:45 a.m., I contacted the Marin
28

1 County Superior Court clerk's office. I was told that Armstrong
2 had not yet filed anything with the Court. I asked the clerks to
3 please be sure that the materials were treated as confidential
4 when they arrived, until I was able to make this motion.

5 6. I then called Mr. Greene, and left a message on his
6 machine notifying him that I intended to bring this application,
7 and that I considered the filing of confidential materials, after
8 his assurances that they would not be filed, to be in bad faith.

9 7. I checked my voice mail on the evening of September 18.
10 There was a message from Mr. Greene. He stated that he would
11 appear for the ex parte, and that he did not understand what the
12 problem was, because he had instructed Armstrong to remove the
13 confidential materials before serving and filing the papers.

14 8. I worked with my co-counsel, Laurie Bartilson, in the
15 preparation of this ex parte application, and in attending the
16 hearing made necessary by Armstrong's bad faith filing. My
17 normal billing rate is \$225 per hour, and I will have expended 2
18 hours in preparing for and attending the hearing on this
19 application. Ms. Bartilson's normal billing rate is \$200 per
20 hour, and she has expended 5 hours in the preparation of the
21 papers necessary and attending the hearing on this matter. In

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1 addition, Ms. Bartilson had the expense of hotel, air fare, and
2 car rental to attend today's hearing in the amount of \$340.

3 I declare under the penalty of perjury under the laws of the
4 State of California that the foregoing is true and correct.

5 Executed this 19th day of September, 1995 at San Rafael,
6 California.

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